

ORIGINAL

FILED

May 12 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

IN THE SUPREME COURT OF THE STATE OF MONTANA
Supreme Court Cause No. DA 10-0162

Jock B. West
West Law Firm, P.C.
Attorney for Appellant
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STATE OF MONTANA

FREDERICK HARMON AND
MADELENA HARMON

Plaintiffs and Appellees,

vs.

FISCUS REALTY, INC.,

Defendant and Appellant.

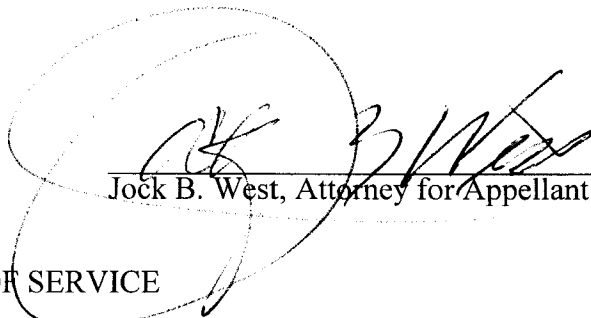
MOTION FOR EXTENSION OF TIME
TO TRANSMIT RECORD PURSUANT
TO M.R.APP.P.9(4).

COMES NOW the Appellant, Fiscus Realty Inc., by and through its attorney of record, Jock B. West, and moves the Court for an order for an extension of time to transmit the record on appeal pursuant to Rule 9(4) M.R. App.P.

The Appellant's request for an extension of time is made upon the grounds and for the reasons to allow the Court Reporter sufficient time to complete the transcript of the District Court trial. The District Court trial had approximately seven days of testimony. The affidavit of the Court Reporter is submitted in conjunction with this motion.

Opposing Counsel, Benjamin J. LaBeau has been contacted and does not object to a 30 day extension.

1 DATED this 12th day of May 2010.

2 
3 Jock B. West, Attorney for Appellant

4 CERTIFICATE OF SERVICE

5 I hereby certify that I have filed a true and accurate copy of the foregoing **MOTION**
6 **FOR EXTENSION OF TIME TO TRANSMIT RECORD PURSUANT TO**
7 **M.R.APP.P.9(4)** with the Clerk of the Montana Supreme Court; and that I have served true and
8 accurate copies of the foregoing **MOTION FOR EXTENSION OF TIME TO TRANSMIT**
9 **RECORD PURSUANT TO M.R.APP.P.9(4)** upon each attorney of record, and each party not
10 represented by an attorney in the above-referenced District Court Action, as follows:

11
12
13 Benjamin J. LaBeau
14 LaBeau Law Firm
15 1645 Avenue D, Suite B
16 Billings, MT 59102

17 DATED this 12th day of May 2010.

18
19
20 By: 
21 For West Law Firm, P.C.

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FREDERICK HARMON AND
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Plaintiffs and Appellees,

vs.

FISCUS REALTY, INC.,

Defendant and Appellant.

AFFIDAVIT OF COURT REPORTER,
TERRY HALPIN

STATE OF MONTANA)
: ss.
County of Yellowstone)

TERRY HALPIN, being first duly sworn, upon oath, state as follows:

1. Your affiant is the Court Reporter for Judge Fagg.
2. Your affiant submits this affidavit in support of the Motion for Extension of Time to Transmit Record Pursuant to M.R.APP.P.9(4).
3. Your affiant requests an additional thirty (30) days to file said transcript.

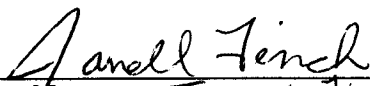
FURTHER YOUR AFFIANT SAYETH NOT

DATED this 12th day of May 2010.


TERRY HALPIN

SUBSCRIBED AND SWORN to before me this 12th day of May 2010.

(NOTARIAL SEAL)


Print Name: Janell Finch
Notary Public for the State of Montana
Residing at Billings, Montana
My Commission Expires: 06-06-2012

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing **AFFIDAVIT OF COURT REPORTER, TERRY HALPIN** with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing **AFFIDAVIT OF COURT REPORTER, TERRY HALPIN** upon each attorney of record, and each party not represented by an attorney in the above-referenced District Court Action, as follows:

Benjamin J. LaBeau
LaBeau Law Firm
1645 Avenue D, Suite B
Billings, MT 59102

DATED this 12th day of May 2010.

By: 
For West Law Firm, P.C.